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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/686,014

10/15/2003

Klaus Rieder

964-031708

4898

28289

7590

06/16/2006

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EXAMINER

KRUER, STEFAN

ART UNIT

PAPER NUMBER

3654

DATE MAILED: 06/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/686,014	Applicant(s) RIEDER ET AL.	
	Examiner Stefan Krueer	Art Unit 3654	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 - 20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1 - 20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 October 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>3/15/04, 2/3/06</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the cylinder tubes, lifting cylinders and the two (2) guide rollers traveling along the cylinder tubes must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

The disclosure is objected to because of the reference to two (2) guide rollers (8) fastened to a pulley carrier (7) (Para. 0023), yet four (4) rollers are depicted in the drawing. Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1 and 5 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "the" in "lifting frame". There is insufficient antecedent basis for this limitation in the claim.

In **Claim 5**, the limitation "both sides" as pertains to the non-depicted lifting cylinders is indeterminate, in that the object or reference about which a "side" can be discerned has not been provided.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 5 and 10 - 16 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

"Cylinder tubes" are neither depicted nor described in the disclosure. Furthermore, the guide rollers "that can run over the surfaces of the cylinder tubes of two lifting cylinders" (Para. 0023) are neither distinctly shown nor their orientation/cooperation with the non-depicted cylinder tubes adequately described.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Knappe (DE 4335275).

Knappe discloses:

- A stationary vertical mast (1),
- At least one telescoping lifting mast (3),
- A lifting carriage (4) that can be moved up and down the lifting mast,
- An accessory hydraulic system (not depicted, but including 6, 7 and 7a) fastened to the lifting carriage,
- At least one hydraulic line (6) that discharges at the lifting carriage,
- said line is installed on the lifting frame (along 8, 9 and 10),
- said line forming a loop (S and at 4) that is open at the top,
- a conventional means of said line guided over tensioning rolls and the use of its own bias for stabilization (Col. 2, Line 8), thereby a pulley carrier.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 – 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Knappe in view of Lansing Bagnall Ltd (FR 1429685).

Re: Claim 1, as reviewed above, Knappe discloses his pulley carrier as a conventional means whereby his hydraulic line is guide over tensioning rolls and the inherent bias of the lines offers stabilization.

Attention is directed to Lansing Bagnall who teaches his pulley carrier (37) for motion up and down the lifting frame and that dips from above into a loop formed by his hydraulic line (30), for maintaining proper orientation of his hydraulic lines "...for all positions of pulley 37 rising and dropping..." (Pg 4, Line 1).

It would have been obvious to one of ordinary skill in the art to modify the invention of Knappe with the teaching Lansing Bagnall to provide the conventional tensioning means for maintaining the hydraulic lines in a desired orientation.

Re: Claim 2, Lansing Bagnall teaches his pulley carrier resting on his hydraulic line and his pulley carrier "rising and dropping" along his guide (33), thereby generating a bias for maintaining a desirable orientation of his hydraulic line in his guide (33).

Re: Claims 3, Lansing Bagnall teaches his drive means (27) effectively connected to his pulley carrier to generate a bias force that is exerted on the hydraulic line.

Re: Claim 4, Lansing Bagnall teaches his tensioning cable (41) fastened to the stationary vertical mast (11) and to the lifting mast (12), and is effectively connected with the pulley carrier.

Claims 5, 6, 10 - 16 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Knappe in view of Lansing Bagnall Ltd, as applied to Claims 1 and 2 - 4, respectively, and in further view of Lee (5,992,571) and Kato (6,505,710).

Re: Claims 5, 6 and 10 - 16, Knappe and Lansing Bagnall disclose triple and dual mast lifts, each having chain driven pulleys and one central lifting cylinder for extension of their masts and lift carriages, respectively; however, their inventions discloses guide rollers for their lift carriages only.

Attention is directed to Lee who teaches his triple mast lift having a pulley carrier (64, 62) that can move up and down by means of guide rollers (see 64) mounted on a cylinder tube of his lifting cylinder (36); however, Lee teaches a single lifting cylinder.

Kato furthers the use of two lifting cylinders (18) for his pulley carriage of his triple mast lift, in lieu of a single, centrally located cylinder, for the enhancement of operator vision.

It would have been obvious to one of ordinary skill in the art to modify the inventions of Knappe and Lansing Bagnall, with the teachings of Lee as furthered by Kato, to provide a pulley carrier with guide rollers on dual lifting cylinders, for purpose of dedicated guidance and uniform loading means of the hydraulic lines as well as enhanced operator field of vision.

Claims 7 and 17 - 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Knappe and Lansing Bagnall Ltd, in view of Lee and Kato, as applied to Claim 5, and in further view of Schenkelberger (2,791,293).

Knappe discloses tensioning pulleys as a conventional means obviated by his invention and Lansing Bagnall teach a set of pulleys (35 and 37) about which his hydraulic lines and tensioning cable are guided.

Lee teach their tensioning pulley of his pulley carrier as a single pulley whereas Kato teaches his tensioning pulleys mounted fixedly in relation to a mast section.

Attention is directed to Schenkelberger who teaches his tensioning pulleys (20) mounted on his pulley carrier, each pulley guiding a hydraulic line, his pulleys oriented in mirrored symmetry.

It would have been obvious to one of ordinary skill in the art to modify the inventions of Knappe and Lansing Bagnall, as furthered by Lee and Kato, with the teaching of Schenkelberger to provide tensioning pulleys dedicated to each (pairing) of hydraulic lines for uniformity and balance of loading.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Ramsey (3,612,318) is cited for reference of an apparatus for hose lines used with lift masts, wherein a tensioning pulley member rests in the loop of the hose for imparting a constant biasing force upon the hose.

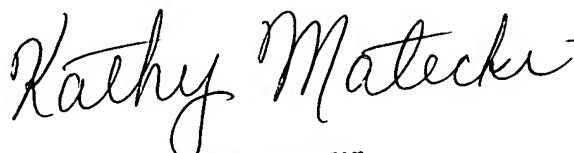
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stefan Kruer whose telephone number is 571.272.5913. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kathy Matecki can be reached on 571.272.6951. The fax phone number for the organization where this application or proceeding is assigned is 571.273.8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866.217.9197 (toll-free).

SHK

12 June 2006



**KATHY MATECKI
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